

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE:)
)
ITT EDUCATIONAL SERVICES, INC., et al.¹) Case No. 16-07207-JMC-7A
)
Debtors.) Jointly Administered

**PROPOSED AGENDA OF MATTERS SCHEDULED
FOR OMNIBUS HEARING ON AUGUST 17, 2022 AT 1:30 P.M.**

Deborah J. Caruso, the chapter 7 trustee in this case (the “Trustee”), by counsel, pursuant to the *Notice, Case Management and Administrative Procedures* (the “Case Management Procedures”) approved by the Court on October 4, 2016 [Doc 220], submits this proposed agenda for the matters scheduled for the omnibus hearing on August 17, 2022 at 1:30 p.m. (prevailing Eastern time) (the “Hearing”). The Trustee anticipates the matters before the Court for the Hearing will take approximately thirty (30) minutes.

I. DIAL-IN INFORMATION

The dial-in telephone number for interested parties to participate in the Hearing by conference call is 1-888-273-3658; passcode 6349352#. Interested parties planning on participating in the Hearing by conference call shall notify the Court before the Hearing by contacting Heather Butler (heather_butler@insb.uscourts.gov or 317-229-3833) or Suzette Bewley (suzette_bewley@insb.uscourts.gov or 317-229-3862).

II. MATTERS SCHEDULED TO BE HEARD AT HEARING

Lead Bankruptcy Case (Case No. 16-07207)

1. *Notice of Invoice for BGBC Partners, LLP’s Fees and Expenses for the Period of June 1, 2022 through June 30, 2022* [[Doc 4912](#)], filed by BGBC Partners, LLP.

¹ The debtors in these cases, along with the last four digits of their respective federal tax identification numbers are ITT Educational Services, Inc. [1311]; ESI Service Corp. [2117]; and Daniel Webster College, Inc. [5980].

- **Status:** No objections filed by the July 20, 2022 objection deadline. As such, pursuant to the Court's April 20, 2017 Order [**Doc 1569**], the Trustee has paid 80% of the requested fees and 100% of the requested expenses. Not going forward at the Hearing.
2. *Trustee's Motion to Determine Certain State/City Tax Liabilities for 2010, 2011 and 2012 Arising from Settlement of Federal Tax Obligations for Those Years* [**Doc 4922**], filed by the Trustee.
 - **Status:** No objections filed by the August 10, 2022 objection deadline. Going forward at the Hearing.
 3. Continued hearing on *Motion to Confirm Absence of Stay and for Reconsideration* [**Doc 356**], filed by the Commonwealth of Massachusetts and the State of New Mexico.
 - *Trustee's Objection to Motion to Confirm Absence of Stay and for Reconsideration* [**Doc 504**], filed by the Trustee.
 - *Response to Trustee's Objection to Motion to Confirm Absence of Stay and for Reconsideration* [**Doc 543**], filed by the Commonwealth of Massachusetts and the State of New Mexico.
 - **Status:** The Trustee will provide an update to the Court at the Hearing regarding the proposed continuation of the stay on a consensual basis to September 21, 2022. The Trustee will request on the record that this matter be continued to the omnibus hearing on September 21, 2022 at 1:30 p.m. If granted, not going forward at the Hearing.

Caruso v. Consumer Financial Protection Bureau, et al. (AP No. 16-50318)

1. Continued final hearing on the *Trustee's Motion to Stay, or in the Alternative, for Injunctive Relief Enjoining, Prosecution of Pending Litigation Against Debtors* [**Doc 3**], filed by the Trustee.
 - *Objection to Trustee's Motion to Stay, or in the Alternative, for Injunctive Relief Enjoining, Prosecution of Pending Litigation Against Debtors* [**Doc 19**], filed by the Attorney General for the Commonwealth of Massachusetts and the State of New Mexico.
 - *Consumer Financial Protection Bureau's Objection to Trustee's Motion to Stay, or in the Alternative, for Injunctive Relief Enjoining, Prosecution of Pending Litigation Against Debtors* [**Doc 21**], filed by the Consumer Financial Protection Bureau.

- *Opposition of Securities and Exchange Commission to Trustee's Motion to Stay, or in the Alternative, for Injunctive Relief Enjoining, Prosecution of Pending Litigation Against Debtors [Doc 22]*, filed by the United States Securities and Exchange Commission.
- *Trustee's Reply in Support of Trustee's Motion to Stay, or in the Alternative, for Injunctive Relief Enjoining, Prosecution of Pending Litigation Against Debtors [Doc 23]*, filed by the Trustee.
- *Consumer Financial Protection Bureau's Supplemental Objection to Trustee's Motion to Stay [Doc 76]*, filed by the Consumer Financial Protection Bureau.
- *Supplemental Objection to Trustee's Motion to Stay, or in the Alternative, for Injunctive Relief Enjoining, Prosecution of Pending Litigation Against Debtors [Doc 84]*, filed by the Attorney General for the Commonwealth of Massachusetts.
- *Trustee's Supplement to Reply in Support of Trustee's Motion to Stay, or in the Alternative, for Injunctive Relief Enjoining, Prosecution of Pending Litigation Against Debtors [Doc 87]* filed by the Trustee.
- *Agreed Entry Resolving Trustee's Motion to Stay, or in the Alternative, for Injunctive Relief Enjoining, Prosecution of Pending Litigation Against Debtors with Respect to Consumer Financial Protection Bureau [Doc 98]*, filed by the Trustee and the Consumer Financial Protection Bureau.
- **Status:** The Trustee will provide an update to the Court at the Hearing regarding the proposed continuation of the stay on a consensual basis to September 21, 2022. The Trustee will request on the record that this matter be continued to the omnibus hearing on September 21, 2022 at 1:30 p.m. If granted, not going forward at the Hearing.

III. NOTICE

Pursuant to the Case Management Procedures, the Trustee will serve this proposed hearing agenda on the Core Group (as defined in the Case Management Procedures) and each entity who has filed and served a court filing set to be heard at the Hearing.

Respectfully submitted,

RUBIN & LEVIN, P.C.

By:/s/ Meredith R. Theisen
Meredith R. Theisen

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CERTIFICATE OF SERVICE

I hereby certify that on August 16, 2022, a copy of the foregoing *Proposed Agenda of Matters Scheduled for Omnibus Hearing on August 17, 2022 at 1:30 p.m.* was filed electronically. Pursuant to Section IV.C.3(a) of the Case Management Procedures, notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

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I further certify that on August 16, 2022, pursuant to Section IV.C.3(c) of the Case Management Procedures, a copy of the foregoing *Proposed Agenda of Matters Scheduled for Omnibus Hearing on August 17, 2022 at 1:30 p.m.* was emailed to the following:

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/s/ Meredith R. Theisen

Meredith R. Theisen

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